REMARKS

The Examiner is thanked for the performance of a thorough search. Claims 1–2, 4-7, 9–10, 12-15, 17–18, 20-25 and 27-30 are now pending in the application. The amendments to the claims as indicated herein do not add any new matter to this application. Furthermore, amendments made to the claims as indicated herein have been made to exclusively improve readability and clarity of the claims and not for the purpose of overcoming alleged prior art. Each issue raised in the Office Action mailed February 20, 2008 is addressed hereinafter.

I. ISSUES RELATING TO ALLEGED PRIOR ART

A. CLAIMS -- 35 U.S.C. § 102(e): HARPER

Claims 1-30 stand rejected under 35 U.S.C. § 102(e) as allegedly unpatentable over Harper U.S. Patent No. 7, 058, 016 B1 (hereinafter "Harper"). The rejection is respectfully traversed.

CLAIM 1

Currently amended claim 1 recites:

1. A method of generating routing information in a data communications network having, as elements, nodes and links, the method comprising the steps performed at a first network element of:
   receiving at the first network element information relating to a change in the network at a second network element,
   identifying a sequence in which updating of routing information at each element in the network should occur,
   for each network element in the network, computing a delay that is proportional to a distance to that network element from the first network element, and
   updating the routing information at the first element in the sequence.

Claim 1 recites one or more features that are not taught or suggested by Harper. For example, Harper does not describe "**for each network element in the network, computing a**

delay that is proportional to a distance to that network element from the first network element," as claimed.

Harper provides for accelerated route calculations, which comprise evaluating the existing routes, recalculating new routes and updating the route information at the node if the new route is more desirable than the old one. (Harper: column 2, lines 8-16)

The Office Action alleges that Harper's "**delay**" is inherently added to the processing time for recalculating the SPT and for running the full Dijkstra's algorithm. In particular, the Office Action asserts that Harper's "delay" is the "the time it takes for the link state packets to travel [via] the network and come back with a new information about the network, and plus the time the network element need[s] to process the new information for recalculat[ing] the new sequence of links." (Office Action, page 6)

However, Harper's "delay" is nothing more than a conventional measure of the time period required to perform the steps of collecting data from the network, and performing the Dijkstra algorithm. Just as in other conventional networks, such a delay is a function of a number of parameters most of which are not related to the actual distance between the nodes.

Those parameters include: 1) traffic volume carried by the particular links, 2) speed with which packets are sent over the particular links, 3) size of packets sent over the particular links, etc. The weight of the parameter capturing the actual distance between two nodes in a network may be relatively insignificant if, for example, the traffic volume between two particular nodes is very heavy. Therefore, the "delay" measured as a processing time in Harper may actually never be "**proportional to the distance"** between two nodes.

Moreover, Harper's "delay" is not actually "**computed,"** as claimed. Harper's "delay" is just determined by the computational speed of Harper's network itself, and depends on the factors discussed above. Harper cannot provide a suggestion to compute and use a delay as in the claimed combination.

Further, Harper's reference itself provides no support for "**computing a delay to be proportional to the distance to that network element from the first network element**," as claimed.

The Office Action states that Harper describes "**identifying a sequence in which updating of routing information at each element in the network should occur**," and **"updating the routing information at the first element in the sequence**" in the Abstract and column 2, lines 15-20. (Office Action, page 4) This is incorrect.

In the Abstract, Harper describes recalculating a route, not "**a sequence in which updating of routing information at each element in the network should occur."** In Harper, the route specifies a sequence of links in which the packets are sent between two nodes. However, the sequence of links in which the packets are sent between two nodes is not necessarily the same as **"the sequence in which updating of routing information at each element in the network should occur,"** as claimed.

Harper's route comprises a sequence of links connecting two nodes, and is calculated after performing the incremental Dijkstra algorithm on newly received topology information. Harper's incremental algorithm calculates the routes by optimizing a number of parameters, including the cost of the path between the nodes, the number of intermediate nodes, etc. If, for example, Harper's route between two nodes is calculated to optimize the cost of the path between the two nodes, then the route will be different than the node sequence for updating routing information in the fastest possible manner.

Therefore, Harper's final route between two nodes may comprise a sequence of intermediate nodes that is different from a **"sequence in which** [the] **updating of routing information at each element in the network should occur,"** as claimed.

Thus, Harper does not **"identif[y] a sequence in which updating of routing information at each element in the network should occur,"** and does not **"updat[e] the routing information at the first element in the sequence,**" as claimed.

Therefore, claim 1 recites at least the above features that are not described in Harper. Hence, Harper does not anticipate claim 1.

Reconsideration and withdrawal of the rejection is respectfully requested.

CLAIMS 9, 17 AND 24

Claims 9, 17 and 24 correspond in scope to claim 1, but are expressed in apparatus and computer-readable storage medium format. Thus, claims 9, 17 and 24 are not disclosed by Harper for at least the foregoing reasons. Therefore, reconsideration and withdrawal of the rejection under 35 U.S.C. § 102(e) is respectfully requested.

CLAIM 7

Currently amended claim 7 recites:

> 7. A method of generating routing information in a data communications network, the method comprising,
>
> receiving at a first network element information relating to a second network element;
>
> determining whether the information relating to the second network element indicates a change in the network;
>
> when information relating to the second network element indicates a change in the network, determining a new shortest path through the network from the first network element for each network element in the network;
>
> **for each network element in the network, computing a delay that is proportional to a distance to that network element from the first network element**; and
>
> **after the delay, updating routing information for the first network element based on the new shortest path for the first network element**.

Claim 7 recites one or more features that are not taught or suggested by Harper. For example, as discussed in claim 1, Harper does not describe "**for each network element in the**

network, computing a delay that is proportional to a distance to that network element from the first network element," as claimed.

Further, Harper does not describe, "**after the delay, updating routing information for the first network element based on the new shortest path for the first network element**," because, as discussed in claim 1, Harper's "delay" encompasses the processing time for collecting network information and for running the Dijkstra's algorithm, and is not the **delay that is computed to be proportional to the distance** between nodes, as claimed.

Further, claim 7 explicitly states "***after*** **a delay, updating routing information**." Therefore, Harper's delay which occurs ***during*** the update process, such as the non-deliberate delay from processing does not correspond to the **delay** recited in claim 7. Since the **delay** recited in claim 7 is not an incidental delay due to processing the update, but rather, occurs before processing the update, Harper cannot disclose or even suggest "**after a delay, updating routing information for the first network element based on the new shortest path for the first network element**," as claimed.

Reconsideration and withdrawal of the rejection are respectfully requested.

CLAIMS 15, 23 AND 30

Claims 15, 23 and 30 correspond in scope to claim 7, but are expressed in apparatus and computer-readable storage medium format. Thus, claims 15, 23 and 30 are not disclosed by Harper for at least the foregoing reasons. Therefore, removal of the rejection under 35 U.S.C. § 102(e) is respectfully requested.

DEPENDENT CLAIMS

The claims not discussed thus far are dependent claims, each of which depends (directly or indirectly) on one of the independent claims discussed above. Each of the dependent claims is therefore allowable for the reasons given above for the claim on which it depends. In addition, each of the dependent claims introduces one or more additional limitations that independently render it patentable. However, due to the fundamental differences already identified, to expedite the positive resolution of this case, a separate discussion of those limitations is not included at this time. The Applicant reserves the right to further point out the differences between the cited art and the novel features recited in the dependent claims.

II. CONCLUSION

For the reasons set forth above, all pending claims are in condition for allowance. A petition for extension of time is hereby made to the extent necessary to make this reply timely filed. If any applicable fee is missing or insufficient, the Commissioner is hereby authorized to charge any applicable fees to our Deposit Account No. 50-1302.

Respectfully submitted,
HICKMAN PALERMO TRUONG & BECKER LLP

Dated: April 09, 2008

/MalgorzataAKulczycka#50496/
Malgorzata A. Kulczycka
Reg. No. 50,496

2055 Gateway Place Suite 550
San Jose, California 95110-1093
Telephone No.: (408) 414-1228
Facsimile No.: (408) 414-1076